REMARKS

Claims 12-20 and 23-38 were presented for examination. Claims 19-20 have been cancelled, leaving Claims 12-18 and 23-38 for consideration upon entry of this amendment. No new matter has been added.

102 rejections

Claims 12, 23-26, 28, and 30 stand rejected as being anticipated by Ang et al. (U.S. Patent 5,792,413). Applicants respectfully traverse.

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984).

Ang et al. teach an instrument panel top cover with a seamless breakaway air bag door made as a unitary composite from **multiple layers of plastics** by extruding a parison with inner and outer layers of different recyclable plastics having different physical characteristics but which are from the same plastics family. The parison is injected and expanded with low pressure gas and forming dies with door scoring tools are closed thereover. The plastics will resultantly conform to the shaping surfaces of the dies to form the composite while the perimeter of the air bag door is scored. A quantity of the plastic **material interior of the door score lines is removed after the top cover is removed** from the dies so that a seamless or hidden door is provided that can readily break open at the peripheral scores to augment air bag operation when the air bag is triggered. (See Abstract).

More specifically, Ang et al. teach with respect to FIG. 1 thereof, that a co-extrusion plastics molding unit 10 with a first extruder 12 extrudes a heated first thermoplastic material 14 to form the interior layer or wall 16 of a depending parison 18. The unit 10 has a second extruder 20 operative to extrude a heated second thermoplastics material 22 to form the outer plastics layer or wall 24 of the parison 18. Col. 3, lines 11-18. Ang et al. further disclose that the inner layers 16 of the composite fuse together and provide the necessary stiffness for the

cover while the outer layers 24 fuse to the inner layers at their interfaces provide the soft-to-touch finish. Col. 5, lines 2-6.

Moreover, Ang et al. disclose that cutters 56 extend in a predetermined pattern and **pierce or perforate at least several thicknesses or layers** of the top cover 40 to form the peripheral tear away edges 43 of the door 44 when the mold halves are closed together. Col. 3, line 67 – Col. 4, line 3. Thus, as shown with respect to FIG. 5 of Ang et al., cutters 56 extend through both inner and outer surfaces defining both layers 16 of the composite fused together and one of the layers 24 of the composite fused together, such that it cannot be said that the deployment region is formed in the inner surface by contacting ***only*** the inner surface with the scoring device. It should also be pointed out that the layer 24 not cut entirely through corresponds to a layer 24 which is cut entirely therethrough having fused layers 16 therebetween. Further, Ang et al. does not disclose a single uniform layer forming top cover 40.

Ang et al. do not teach or suggest forming the instrument panel cover having an ***inner surface and an opposing outer surface defining a single uniform layer***, and **forming a deployment region in the inner surface** of the instrument panel cover **by contacting *only* the inner surface** with at least one scoring device after initiation of the formation of the instrument panel cover creating at least one score therein, but prior to the cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the inner surface so that deployment of an air bag cushion causes the deployment region to open along the at least one score for deployment of the air bag cushion, as in amended Claim 12. Accordingly, Claim 12, including claims depending therefrom, i.e., Claims 13-32, define over Ang et al.

103 rejections

Claims 12-18, 23-38 stand rejected as being unpatentable over JP 2000159047 in view of JP 2000272459. Applicants respectfully traverse.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In Re Skoll*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

JP2000159047 discloses a surface skin for a cabin side member having an air bag door formed by vacuum molding, a surface sheet 11 is heated for softening and sucked to a die 30 for giving the intended shape, and in this sucked and held condition, the position on the surface skin 10 where a cleavage- expected part 20 is provided relative to the air bag door of the surface sheet is pressed by a processing cutter blade 40, and thus the groove-shaped cleavage-expected part 20 is formed. (See Abstract). Thus, JP2000159047 *does not disclose* a hidden, integral passenger airbag door in an instrument panel cover as alleged by the Examiner, as the process forms a groove-shaped cleavage- expected part 20 clearly visible to a vehicle occupant.

JP2000272459 discloses a manufacturing method of an air bag storing body comprises thermally-softening **a multi-layered body** (i.e., layers 2, 3, 4) having a core layer 2 with at least a prescribed thickness and a surface layer 3 laminated on one surface side of the core layer 2, molding by pressing to the recessed surface 70 of a molding die consisting of a projected die 8 and recessed die 7, and forming the surface layer 3 to the outer periphery side contacting to the recessed die surface 70. The storing body has the recessed part for storing the air bag on the inner periphery side. At the molding time of the multi-layered body, a hole 3c is formed by penetrating the surface layer 3 by the boring member moving from the core layer 2 side to the surface layer 3 side, thereafter, the opening 30 of the hole 3c is closed by thermally fusing the surface contacting to the at least recessed surface 70 of the surface layer 3. (See Abstract and Figures 1-6). Thus, JP2000272459 discloses a boring member (i.e., drill 9a) contacting inner and outer surfaces of three layers from an inside surface layer 4, first, and extending through an exterior surface layer 3, last, before thermally fusing an exterior portion of surface layer 3 exposed to a vehicle occupant.

Neither JP2000159047, nor JP2000272459, alone or in combination, teach or suggest forming the instrument panel cover having an ***inner surface and an opposing outer surface defining a single uniform layer***, and **forming a deployment region in the inner surface** of the instrument panel cover **by contacting *only* the inner surface** with at least one scoring device after initiation of the formation of the instrument panel cover creating at least one score therein, but prior to the cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the inner surface so that deployment of an air bag cushion causes the deployment region to open along the at least one score for deployment of the air bag cushion, as in amended Claim 12 and similarly claimed in Claims 33 and 34. Accordingly, Claim 12, including claims depending therefrom, i.e., Claims 13-32, define over JP2000159047 in view of JP2000272459. Likewise, Claims 33 and 34, including claims depending therefrom, i.e., Claims 35-38, define over JP2000159047 in view of JP2000272459.

Accordingly, it respectfully submitted that claims 12, 33 and 34 are allowable over the references cited.

The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the mold of JP 2000159047 to allow for forming the tear pattern of JP 2000159047 in the inner surface as taught by JP 2000272459 in order to take advantage of the aesthetic appeal of a hidden airbag door. Applicants respectfully traverse.

Applicant further maintains that there is no suggestion or motivation to combine JP 2000159047 with JP 2000272459 as suggested by the Examiner. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

JP 2000159047 would not be motivated to include cutting a tear pattern in the inner surface thereof as taught by JP 2000272459, because such a modification would render JP 2000159047 unsatisfactory for its intended purpose, i.e., "[t]o establish an economical manufacturing method for a surface skin allowing effective formation of a cleavage-expected part when the surface skin is formed by vacuum molding and not requiring any expensive device

for formation of the cleavage-expected part." See "Problem To Be Solved" at http://l2.espacenet.com/espacenet/viewer?PN=JP2000159047&CY=ep&LG=en&DB=EPD.

Still further, it should be noted that the methods employed in JP 2000159047 includes vacuum molding, while JP 2000272459 involves molding by pressing to the recessed surface 70 of a molding die consisting of a projected die 8 and recessed die 7, and forming the surface layer 3 to the outer periphery side contacting to the recessed die surface 70. Thus, they are not combinable because they involve two different processes forming two different structures, i.e., single and multiple layer air bag covers. In fact, as discussed above, JP 2000159047 teaches away from forming a tear pattern as in JP 2000272459 because of the economics for doing such.

Accordingly, it respectfully submitted that claims 12, 33 and 34, including claims depending therefrom, i.e., 13-18, 21-32, and 35-38 are allowable over the references cited.

Summary

Attached hereto is a marked-up version of the claims proposed by the current amendment. The attached page is captioned "Marked Up Version of the Prior Pending Claims".

In view of the above, it is respectfully submitted that the instant application is in a condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, he is invited to call the telephone number below for an interview.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
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OFFICIAL

MARKED UP VERSION OF THE PRIOR PENDING CLAIMS

IN THE CLAIMS:

Please amend the Claims shown in marked up format as follows:

Claim 12. (Amended twice) A method of forming a hidden, integral passenger air bag door in an instrument panel cover, the method comprising:

forming the instrument panel cover having an inner surface and an opposing outer surface defining a single uniform layer, and

forming a deployment region in the inner surface of the instrument panel cover by contacting only the inner surface with at least one scoring device after initiation of the formation of the instrument panel cover creating at least one score therein, but prior to the cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the inner surface so that deployment of an air bag cushion causes the deployment region to open along the at least one score for deployment of the air bag cushion.

Claim 33. (Amended twice) A method for forming a hidden, integral passenger air bag door in a portion of an instrument panel cover, comprising:

vacuum forming the instrument panel cover having an inner surface and an opposing outer surface defining a single uniform layer; and

forming a deployment region in the inner surface of the instrument panel cover by contacting only the inner surface with at least one scoring device after initiation of the vacuum formation of the instrument panel cover creating at least one score therein, but prior to the cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the inner surface wherein the deployment of an air bag cushion causes the deployment region of the instrument panel cover to tear open along at the at least one score for deployment of the air bag cushion.

Claim 34. (Amended twice) A method for forming a hidden, integral passenger air bag door in a portion of an instrument panel cover, comprising:

applying a quantity of thermoplastic material to a vacuum forming tool;

vacuum forming the instrument panel cover having an inner surface and an opposing exterior surface defining a single uniform layer; and

forming a deployment region in the inner surface of the instrument panel cover by contacting only the inner surface with at least one scoring device after initiation of the vacuum formation of the instrument panel cover creating at least one score therein, the at least one score defining the deployment region and providing a weakened tear pattern in the inner surface wherein the deployment of an air bag cushion causes the deployment region of the instrument panel cover to tear open along at the at least one score for deployment of the air bag cushion, the deployment region being formed after or during the vacuum forming of the instrument panel, but prior to the cooling thereof.